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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,817	12/13/2001	Ilan Levy	01/22952	6282

7590 09/27/2004

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EXAMINER

MAIER, LEIGH C

ART UNIT	PAPER NUMBER
1623	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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20040923

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Commissioner for Patents

Leigh C. Maier
Examiner
Art Unit: 1623

Art Unit: 1623

The reply filed on July 14, 2004 is not fully responsive to the prior Office Action because of the following omission: In responding to the restriction requirement, it appears that Applicant overlooked the additional requirement for election of species at page 3 of the previous Office action. This requirement is repeated below. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In Groups I and II, dependent claims 11-42 and 57-88, respectively, recite the PBD in terms of a covalent modification. If either of these groups is selected, Applicant is required to select a particular modification from these claims to start the search. Applicant has elected group I, claims 1-49 and 105, so an example of a particular modification would that recited in claim 16, "an enzyme covalently coupled thereto."

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An

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argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: All of the species are drawn to covalently modified PBDs. However, KILBURN et al (US 5,340,731) discloses the preparation of covalently modified PBDs. See col 6-7.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Examiner's hours, phone & fax numbers

Any inquiry concerning this action or earlier communications from the examiner should be directed to Leigh Maier whose telephone number is (571) 272-0656. The examiner can normally be reached on Tuesday, Wednesday, and Friday 7:00 to 3:30 (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson (571) 272-0661, may be contacted. The fax number for Group 1600, Art Unit 1623 is (703) 872-9306.

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Visit the U.S. PTO's site on the World Wide Web at <http://www.uspto.gov>. This site contains lots of valuable information including the latest PTO fees, downloadable forms, basic search capabilities and much more.

A handwritten signature in cursive script that reads "Leigh C. Maier".

Leigh C. Maier
Patent Examiner
September 23, 2004